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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,695	12/20/2001	James Loik	JL-00017-US (PAR)	4192

7590

07/10/2003

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EXAMINER

HAMILTON, ISAAC N

ART UNIT PAPER NUMBER

3724

DATE MAILED: 07/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

10/027,695

Applicant(s)

LOIK, JAMES

Examiner

Isaac N Hamilton

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-- The MAILING DATE of this c mmunication appears n the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 3-6, 13, 16, 23, 25-38, 41, 46 and 48-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7-12, 14, 15, 17-22, 24, 39, 40, 42-45 and 47 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 3-6, 13, 16, 23, 25-38, 41, 46 and 48-57 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 04. Cancellation of these claims in Paper No. 04 is acknowledged.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: direction 398 on page 16, end of first paragraph. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the stop in claim 21, line 1, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

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3. Claim 17 is objected to because of the following informalities: "in straw" in line 2 should be changed to --in the straw--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 10, 11, 12, 15, 20, 21, 22, 39, 40 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Cutlan (403,521). Cutlan discloses housing a; cutting guide m, f; cutting edge l; hollow cutting straw having centerline n; spiral cut o; angle in figure 2 juxtaposed housing a and straw n; secondary component g in column 1, lines 26-36; note opening juxtaposed between guides m and g; stop h; tapered portion t and s in column 2, lines 89-99.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 8, 17, 18, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutlan in view of Sauer (4,548,114). Cutlan discloses everything as noted above, but does not disclose a trimming edge to cut a notch in a straw and does not teach a trimming edge to cut

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the straw axially. However, Sauer teaches trimming edge to cut a notch in a straw 49 and teaches trimming edge to cut the straw axially 48. It would have been obvious to provide a trimming edge to cut a notch in a straw and a trimming edge to cut the straw axially in Cutlan as taught by Sauer in order to manipulate the straw in Cutlan in several different ways.

8. Claims 9, 19 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutlan in view of Dackow (3,595,107). Cutlan discloses everything as noted above, but does not disclose a rounding mandrel. However, Dackow teaches rounding mandrel A. It would have been obvious to provide a rounding mandrel in Cutlan in view of Dackow in order to provide a tapered section on the end of a straw.

9. Claims 14, 24 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutlan in view of Hicks (5,412,902). Cutlan discloses everything as noted above, but does not disclose a drinking straw. Hicks discloses a drinking straw in column 1, line 54. It would have been obvious to provide a drinking straw in Cutlan as taught by Hicks in order to make fishing lures.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Somma et al. are cited for spiral cutting; Skerrett is cited for rounding mandrel; Molnar is cited for axial cutting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 703-305-4949. The examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to

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reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application should be directed to

the receptionist whose telephone number is 703-308-1148.

*IAH*

IAH

June 30, 2003

*all*  
Allan M. Shoap  
Supervisory Patent Examiner  
Group 3700